

PROPOSED REGULATIONS

Title of Regulations:

18 VAC 85-80-10 et seq. Regulations for the Licensure of Occupational Therapists

Statutory Authority:

§ 54.1-2400 and § 54.1-2956.1 through § 54.1-2956.5 of the Code of Virginia

Effective Date:

Summary: These regulations establish requirements for educational training and examination for an Occupational Therapist to be eligible for licensure to assure safe delivery of occupational therapy to the citizens of the Commonwealth.

18 VAC 85-80-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"ACOTE" means the Accreditation Council for Occupational Therapy Education

"Active practice" means a minimum of 160 hours of professional practice as an occupational therapist within the 24 month-period immediately preceding renewal or application for licensure, if previously licensed or certified in another jurisdiction. The active practice of occupational therapy may include supervisory, administrative, educational or consultative activities or responsibilities for the delivery of such services.

"Advisory board" means the Advisory Board of Occupational Therapy.

~~"AOTA" means the American Occupational Therapy Association, Inc.~~

"Board" means the Virginia Board of Medicine.

"Contact hour" means 60 minutes of time spent in continued learning activity.

~~"Certification National examination" means the national examination approved and prescribed by NBCOT~~
for certification as an occupational therapist and approved for licensure in Virginia.

"NBCOT" means the National Board for Certification in Occupational Therapy, under which the national examination for certification is developed and implemented.

"Occupational therapy personnel" means persons who provide occupational therapy services under the supervision of a licensed occupational therapist.

PART III.

Renewal of Licensure; Reinstatement.

18 VAC 85-80-70. Biennial renewal of licensure.

A. An occupational therapist shall renew his licensure biennially during his birth month in each even numbered year by:

1. Paying to the board the renewal fee prescribed in 18 VAC 85-80-120; and
2. Indicating ~~whether or not~~ that he has been professionally been engaged in the active practice of occupational therapy for at least 160 hours during each biennial renewal cycle.
3. Attesting to completion of continued competency requirements as prescribed in 18 VAC 85-80-71.

B. An occupational therapist whose licensure has not been renewed by the first day of the month following the month in which renewal is required shall ~~be dropped from the licensure roll.~~ C. ~~An pay~~

~~an additional fee to cover administrative costs for processing a late application shall be imposed by the board as prescribed in 18 VAC 85-80-120.~~

18 VAC 85-80-71. Continued competency requirements for renewal of an active license.

A. In order to renew an active license biennially, a practitioner shall complete the Continued Competency Activity and Assessment Form which is provided by the board and which shall indicate completion of at least 20 contact hours of continuing learning activities as follows:

1. A minimum of 10 of the 20 hours shall be in Type 1 activities offered by a sponsor or organization recognized by the profession and may include in-service training, self-study courses, continuing education courses, specialty certification or professional workshops.
2. No more than 10 of the 20 hours may be Type 2 activities, which may include consultation with another therapist, independent reading or research, preparation for a presentation or other such experiences which promote continued learning.

B. A practitioner shall be exempt from the continuing competency requirements for the first biennial renewal following the date of initial licensure in Virginia.

C. The practitioner shall retain in his records the completed form with all supporting documentation for a period of six years following the renewal of an active license.

- D. The board shall periodically conduct a random audit of at least one to two percent of its active licensees to determine compliance. The practitioners selected for the audit shall provide the completed Continued Competency Activity and Assessment Form and all supporting documentation within 30 days of receiving notification of the audit.
- E. Failure to comply with these requirements may subject the licensee to disciplinary action by the board.
- F. The board may grant an extension of the deadline for continuing competency requirements, for up to one year, for good cause shown upon a written request from the licensee prior to the renewal date.
- G. The board may grant an exemption for all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

18 VAC 85-80-72. Inactive licensure.

- A. A licensed occupational therapist who holds a current, unrestricted license in Virginia shall, upon a request on the renewal application and submission of the required fee, be issued an inactive license. The holder of an inactive license shall not be required maintain hours of active practice or meet the continued competency requirements of 18 VAC 85-80-71 and shall not be entitled to perform any act requiring a license to practice occupational therapy in Virginia.
- B. An inactive licensee may reactivate his license upon submission of the following:

1. An application as required by the board;

 2. A payment of the difference between the current renewal fee for inactive licensure and the renewal fee for active licensure;

 3. If the license has been inactive for two to six years, documentation of having engaged in the active practice of occupational therapy or having completed a board-approved practice of 160 hours within 60 consecutive days under the supervision of a licensed occupational therapist, or if the license has been inactive for six or more years, documentation of having completed a board-approved practice of 320 hours within four consecutive months under the supervision of a licensed occupational therapist; and

 4. Documentation of completed continued competency hours equal to the requirement for the number of years, not to exceed four years, in which the license has been inactive.

 5. An occupational therapist who has allowed his licensure to lapse for six years or more, and who has been professionally inactive, shall serve a board-approved practice of 320 hours to be completed in four consecutive months under the supervision of a licensed occupational therapist.
- C. The board reserves the right to deny a request for reactivation to any licensee who has been determined to have committed an act in violation of § 54.1-2914 of the Code of Virginia or any provisions of this chapter.

18 VAC 85-80-80. Reinstatement.

- A. An occupational therapist who allows his licensure to lapse ~~for a period of two or more~~ years and chooses to resume his practice ~~shall make a new~~ submit a reinstatement application to the board, submit information on practice and licensure or certification in other jurisdictions during the period in which the license was lapsed, and ~~payment of pay~~ the fee for reinstatement of his licensure as prescribed in 18 VAC 85-80-120 ~~B of this chapter.~~
- B. An occupational therapist who has allowed his licensure to lapse for two years but less than six years ~~or more~~, and who has ~~been professionally inactive~~ engaged in active practice, shall serve a board-approved practice of 160 hours to be completed in two consecutive months under the supervision of a licensed occupational therapist.
- C. An occupational therapist who has allowed his licensure to lapse for six years or more, and who has not engaged in active practice, shall serve a board-approved practice of 320 hours to be completed in four consecutive months under the supervision of a licensed occupational therapist.
- D. An applicant for reinstatement shall meet the continuing competency requirements of 18 VAC 85-80-71 for the number of years the license has been lapsed, not to exceed four years.
- € E. An occupational therapist whose licensure has been revoked by the board and who wishes to be reinstated shall make a new application to the board and payment of the fee for reinstatement of his licensure as prescribed in 18 VAC 85-80-120 pursuant to § 54.1.2921 of the Code of Virginia.

PART V.

Fees.

18 VAC 85-80-120. Fees.

The following fees have been established by the board:

1. The initial fee for the occupational therapist licensure shall be \$100.
2. The fee for reinstatement of the occupational therapist licensure shall be \$150.
3. The fee for ~~licensure~~ renewal of an active license shall be \$85 or of an inactive license shall be \$65. It ~~and~~ shall be due in the birth month of the licensed therapist in each even numbered year.
4. The additional fee to cover administrative costs for processing a late application shall be \$25 for each renewal cycle.
5. The fee for a letter of good standing or verification to another state for a license shall be \$10.
6. The fee for reinstatement of revoked licensure shall be \$500.